

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**MILLENNIUM PIPELINE COMPANY, L.L.C.,**

*Plaintiff,*

-vs-

**CERTAIN TEMPORARY EASEMENTS IN 322  
SLEEPY VALLEY ROAD, TOWN OF WARWICK,  
ORANGE COUNTY, NEW YORK, S.B.L. No. 31-1-  
17, BREAKAWAY TRAILS, INC., John Doe, et al.,  
and Unknown Owners,**

**And**

**CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN (NO NUMBER) DISTILLERY  
ROAD, TOWN OF WARWICK, ORANGE  
COUNTY, NEW YORK, S.B.L. No. 29-1-21,  
GEORGE BURKERT AND ANNA BURKERT, John  
Doe, et al., and Unknown Owners,**

**And**

**CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN (NO NUMBER) ROUTE 42,  
TOWN OF FORESTBURG, SULLIVAN COUNTY,  
NEW YORK, S.B.L. No. 39-1-11, ADELIA M.  
MASTERS, John Doe, et al., and Unknown Owners,**

**And**

**CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN 65 LIBERTY CORNERS ROAD,  
a/k/a 61 LIBERTY CORNERS ROAD, TOWN OF  
WARWICK, ORANGE COUNTY, NEW YORK,  
S.B.L. No. 11-1-21.2, DOUGLAS A. PATZELT AND  
LAUREN PATZELT, John Doe, et al., and Unknown  
Owners,**

**And**

**NOTICE OF  
CONDEMNATION**

Civil Action No.  
07 Civ. 5815

**CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN (No Number) Route 17A, TOWN  
OF TUXEDO, ORANGE COUNTY, NEW YORK,  
S.B.L. No. 1-1-34.2, SWISS NORTH AMERICAN  
PROPERTIES - USA, LLC, John Doe, et al., and  
Unknown Owners,**

*Defendants.*

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TO: George Burkert  
3 Pepper Road  
Towaco, NJ 07082

Anna Burkert  
3 Pepper Road  
Towaco, NJ 07082

You are hereby notified that a Complaint in condemnation has heretofore been filed in the Office of the Clerk of the United States District Court for the Southern District of New York, in the United States Courthouse at 300 Quarropas Street, White Plains, New York, by plaintiff MILLENNIUM PIPELINE COMPANY, L.L.C. ("MILLENNIUM") for the taking of temporary and permanent easements in the property located at (No Number) Distillery Road, Town of Warwick, County of Orange, New York, S.B.L. No. 29-1-21, in which you have or claim an interest and which is more specifically described in Exhibit 1 attached hereto and made a part hereof (the "Burkert Property").

The use for which a temporary easement in the Burkert Property is required is to acquire, construct and operate pipeline facilities from a new compressor station in Corning, New York (milepost 190.6) to the Ramapo, New York measuring and regulating station (milepost 376.6) pursuant to the December 21, 2006 Order issued by the United States Federal Energy Regulatory Commission ("FERC") entitled "Order Issuing and Amending Certificates, Approving Abandonment, Vacating Certificate and Granting and Denying Requests for Rehearing and Clarification" ("FERC Order") (the "Project"). The temporary easement that is being acquired is to facilitate pipeline construction and testing for use and exercisable during the construction,

preconstruction and testing of the pipeline and restoration of the Burkert Property as reasonably required by MILLENNIUM for the purpose of constructing and testing the pipeline and thereafter restoring the Burkert Property and to conduct all activities incident thereto, terminating upon the approval of the completed work and Property restoration, unless sooner terminated by MILLENNIUM or its authorized representative. Such temporary easement shall be exercised in and to the Burkert Property (Exhibit 1) reserving, however, to the respective Owners, successors or assigns, the right of using said Property and such use shall not be further limited or restricted under this temporary easement beyond that which is necessary to effectuate its purposes for the construction, preconstruction and testing of the pipeline and restoration of the Burkert Property.

MILLENNIUM seeks a permanent easement in the Burkert Property for the purpose of constructing, operating, inspecting, maintaining, replacing, repairing, altering the size of and removing or abandoning a pipeline at the Burkert Property as reasonably required by MILLENNIUM to facilitate the Project. Such permanent easement shall be exercised in and to the Burkert Property (Exhibit 1) reserving, however, to the respective Owners, successors or assigns, the right of using said Burkert Property and such use shall not be further limited or restricted under this permanent easement beyond that which is necessary to effectuate its purposes in connection with the Project, as stated in the Complaint.

The authority for the taking is the Natural Gas Act, 15 U.S.C. §717, *et seq.*

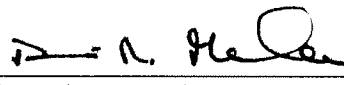
You are further notified that if you desire to present any objection or defense to the taking of easements in the Burkert Property you are required to serve your Answer on MILLENNIUM'S attorney at the address herein designated within twenty days after personal service of this Notice of Condemnation upon you.

Your Answer shall identify the Burkert Property, state the nature and extent of the interest you claim, and state all of your objections and defenses to the taking of easements in such Burkert Property or your interest in the Burkert Property. All defenses and objections not so presented are waived. Your failure to answer the Complaint within 20 days of service of this Notice of Condemnation constitutes a consent to the taking and to the authority of the Court to render a judgment of condemnation of that part of the above-described Burkert Property in which you have or claim an interest.

But without answering, you may serve on the MILLENNIUM'S attorney a Notice of Appearance designating the Burkert Property in which you claim to be interested and identifying the nature of such interest. Thereafter you will receive notice of all proceedings affecting it. At the trial of the issue of just compensation, whether or not you have previously appeared or answered, you may present evidence as to the amount of the compensation to be paid for your interest in the Burkert Property, and you may share in the distribution of the award.

**DATED:** June 18, 2007

**HISCOCK & BARCLAY, LLP**

By:   
 Dennis R. McCoy DM4591  
 Darryl J. Colosi DC2929\*

*Attorneys for Plaintiff*  
 Millennium Pipeline Company, L.L.C.  
 Office and Post Office Address  
 The Standard Oil Building  
 26 Broadway, 24<sup>th</sup> Floor  
 New York, New York 10004-1840  
 Telephone: (212) 509-5212

Plaintiff, Millennium Pipeline Company, LLC, may be served at the offices of its legal counsel, Hiscock & Barclay, LLP, The Standard Oil Building, 26 Broadway, 24<sup>th</sup> Floor, New York, New York 10004-1840, attention Darryl J. Colosi.

\*Application for admission to the United States District Court for the Southern District of New York in process; swearing-in ceremony scheduled for June 26, 2007.